

**EXHIBIT
D**

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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FARHAD AZIMA,)
)
Plaintiff,) Case No.
)
vs.) 1:20-cv-954-UA-JLW
)
NICHOLAS DEL ROSSO and)
)
VITAL MANAGEMENT SERVICES,)
)
Defendants.)
-----X

30(b)(6) DEPOSITION OF RAY ADAMS

WASHINGTON, D.C.

APRIL 30, 2024

REPORTED BY: Tina Alfaro, RPR, CRR, RMR

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1 MR. HERBERT: Ian Herbert on behalf of the
2 Plaintiff.

3 THE VIDEOGRAPHER: Will the court reporter
4 please swear in the witness.

5 (Witness sworn.)

6 WHEREUPON:

7 RAY ADAMS,
8 called as a witness herein, having been first duly
9 sworn, was examined and testified as follows:

10 EXAMINATION

11 BY MR. ROSENTHAL:

12 Q. Mr. Adams. As you heard, my name is Sam
13 Rosenthal. We've never communicated or met before,
14 have we?

15 A. Don't believe so.

16 Q. I'm going to ask you some questions and,
17 as I understand it, you're here as a 30(b)(6)
18 witness. Do you understand that?

19 A. I believe I understand that.

20 Q. What do you understand your obligations to
21 be as a 30(b)(6) witness?

22 A. I'm representing the company.

1 Bates stamp FA-MDNC-00137022 through 32.

2 THE WITNESS: Thank you.

3 (ALG Exhibit 10 was marked for
4 identification.)

5 (Witness reviewing document.)

6 A. I'm ready.

7 Q. When was the last time you saw this
8 document?

9 A. I don't recall, but I've seen it before.

10 Q. I don't recall, but --

11 A. I don't recall the last time I saw it.

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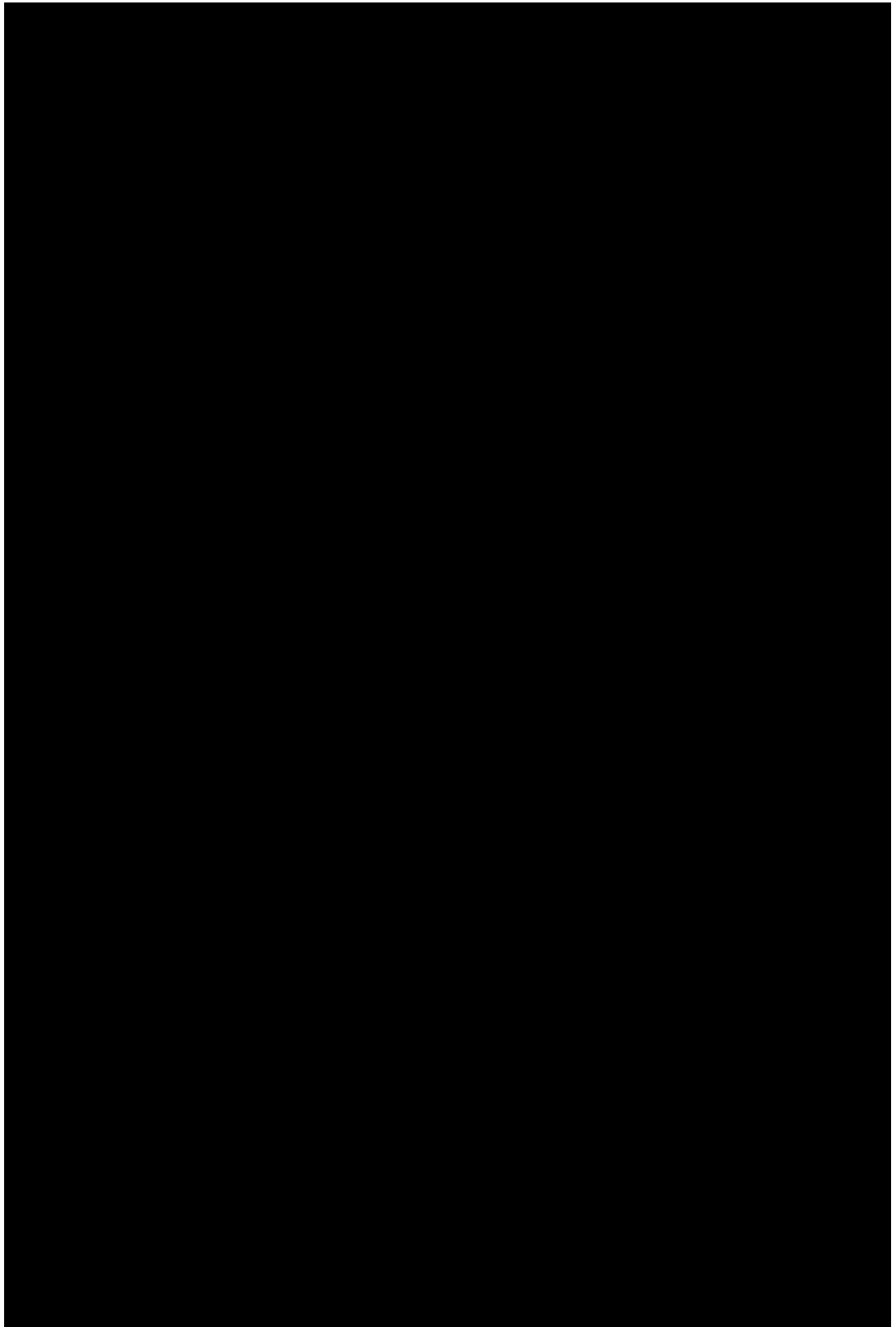
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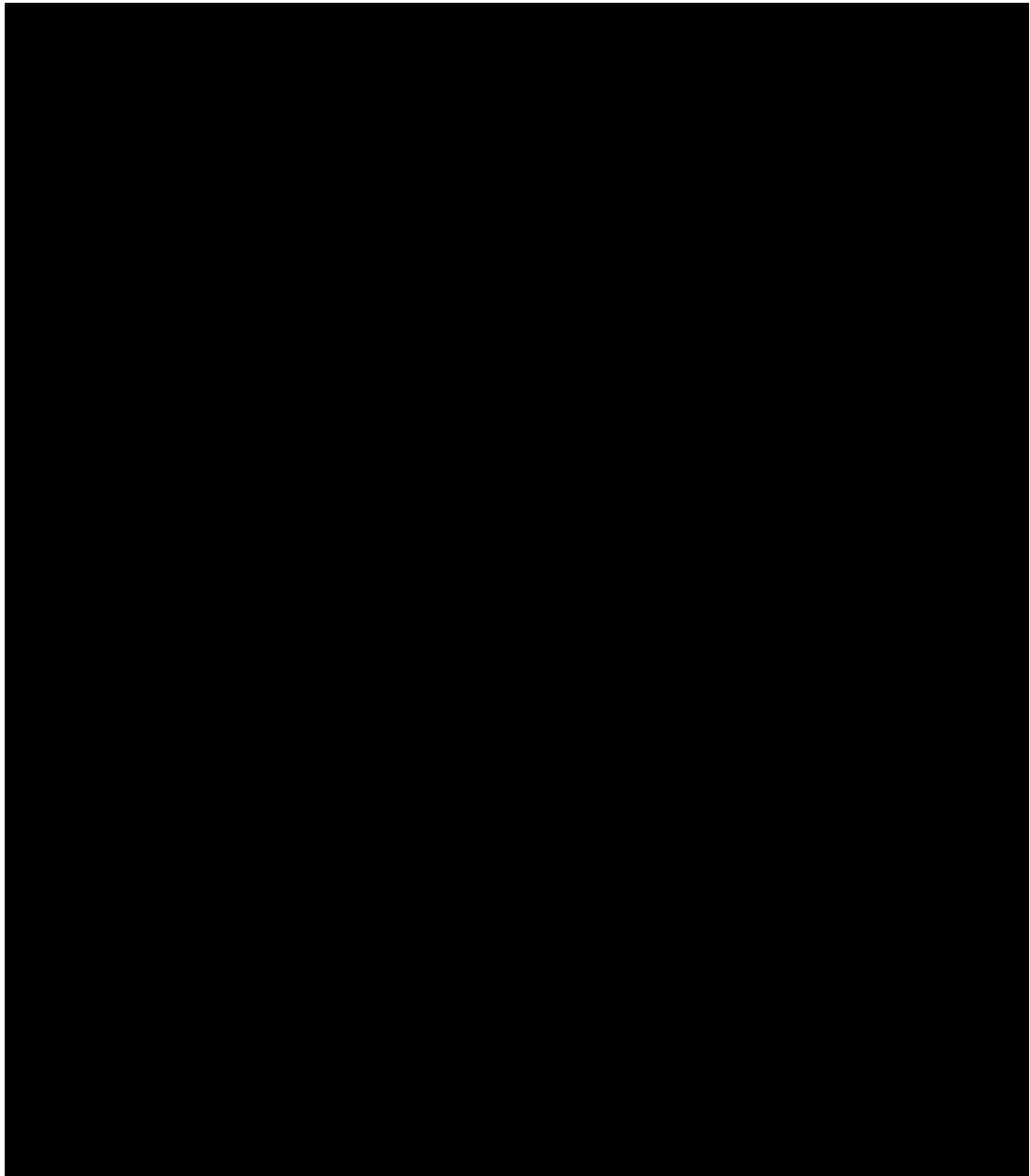
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(Whereupon a discussion was had
sotto voce between Mr.
Rosenthal and Mr. Mahfood.)

BY MR. ROSENTHAL:

Q. When you -- now, when you reviewed your --

1 strike that.

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21 MR. BEHRE: Objection, assumes facts not

22 in evidence, calls for speculation, no foundation.

1 MR. ROSENTHAL: You can answer.

2 A. I don't know.

3 Q. Did you have any understanding -- strike
4 that.

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8 MR. BEHRE: Objection, foundation, assumes
9 facts not in evidence.

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21 Who was Mr. Avasthi?

22 A. He's an acquaintance of Mr. Azima.

1 Q. And did you have any understanding whether
2 he was employed by the government of South Sudan?

3 A. No, I did -- I don't know. He was
4 acquaintance of Mr. Azima, not mine.

5 THE REPORTER: What's the last name?

6 THE WITNESS: Avasthi.

7 MR. ROSENTHAL: A-V-A-S-T-H-I.

8 BY MR. ROSENTHAL:

9 Q. And are you aware that Mr. Avasthi was
10 communicating with someone in South Sudan who was
11 not a member of the South Sudan government?

12 A. I'm not aware of that.

13 Q. What was your understanding as to who
14 would receive a copy of the South Sudan proposal
15 once it was sent to Mr. Avasthi?

16 A. I didn't have an understanding. It was
17 marked confidential.

18 Q. And that language came from the Task
19 proposal, correct?

20 A. No. It came from our proposal.

21 Q. Do you have any understanding whether or
22 not Mr. Avasthi would be required to circulate the

1 proposal to other individuals within South Sudan if
2 they wanted to proceed?

3 A. I was not aware of that.

4 Q. Do you know what he was supposed to do
5 with the proposal once he got it?

6 A. He's the one that asked for the proposal.

7 Q. My question was do you know what he was
8 going to do with it?

9 A. I said I'm not aware of what he was going
10 to do with the proposal.

11 Q. Do you know whether or not South Sudan
12 could have proceeded with the proposal without it
13 being distributed within the government of South
14 Sudan?

15 MR. BEHRE: Object --

16 A. I don't know.

17 MR. BEHRE: You've got to let me object.

18 THE WITNESS: Okay.

19 MR. BEHRE: It calls for rank speculation.

20 Q. In this document what information do you
21 consider to be secret?

22 MR. BEHRE: Objection, calls for a legal

1 conclusion, ambiguous term "secret."

2 MR. ROSENTHAL: I'm asking for his
3 understanding. You can answer.

4 MR. BEHRE: It's an ambiguous term. If
5 you want to ask what's confidential, that's not so
6 bad.

7 MR. ROSENTHAL: You can answer.

8 A. The proposal taken as a whole is our
9 proposal and our pricing.

10 Q. Well, it's actually Task's proposal and
11 your pricing, correct?

12 MR. BEHRE: Objection, mischaracterizes
13 the two documents.

14 MR. ROSENTHAL: Correct?

15 A. I gave you the answer, it's our proposal.

16 Q. What information in there -- strike that.

17 How much time did you spend preparing the
18 proposal?

19 A. Again, this is 2011. I couldn't tell you.

20 Q. Well, you were given a markup by Mr. Azima
21 and you handed it off to Ms. Lopez. How much time
22 did you spend on it?

1 A. You're assuming I never read it.

2 Q. How much time did you spend on it reading
3 it?

4 A. I don't know.

5 Q. More than a few minutes?

6 A. I would think more than a few minutes.

7 Q. More than an hour?

8 A. Could be.

9 Q. And it could be not; is that correct?

10 A. It could be not.

11 Q. How much time did Mr. Azima spend on it,
12 to your knowledge?

13 A. I don't know.

14 MR. BEHRE: Objection, calls for
15 speculation.

16 MR. ROSENTHAL: He's answered.

17 How much time did Ms. Lopez --

18 MR. BEHRE: Then you need to let me --

19 THE WITNESS: Yeah.

20 MR. BEHRE: -- you need to pause before
21 answering so that he doesn't claim you answered
22 before I've objected. Okay?

1 BY MR. ROSENTHAL:

2 Q. How much time did Ms. Lopez spend on it?

3 A. I don't know.

4 Q. Now, her input was just typing, correct?

5 A. Typing and formatting, yes.

6 Q. In the 11 -- strike that.

7 In the seven years approximately between
8 August -- between September of 2011 and January of
9 2018 did any third party obtain a copy of this
10 proposal?

11 MR. BEHRE: Objection, foundation.

12 A. I'm not aware, although it was published.

13 Q. When you say it was published, you mean
14 using We Transfer?

15 A. Yes, sir.

16 Q. But you don't know whether any third party
17 obtained a copy of it before then?

18 A. That's what I just said.

19 Q. So they may have or may not have, you just
20 don't know?

21 THE REPORTER: I didn't hear the answer.

22 A. I'm not aware of anyone obtaining a copy.

1 Q. And I take it you don't know how widely it
2 was distributed, do you?

3 MR. BEHRE: Objection, assumes facts not
4 in evidence, calls for speculation, no foundation.

5 MR. ROSENTHAL: Mr. Adams, I just want to
6 make sure the record is clear. You don't know one
7 way or the other whether it was distributed prior
8 to January 2018?

9 A. I don't.

10 Q. And you don't know who might have received
11 a copy of it prior to January 2018?

12 A. Well, we are aware that there were torrent
13 links that were published prior to January of 2018,
14 but we're not sure they were accessible.

15 MR. ROSENTHAL: Let me ask the court
16 reporter to mark as ALG 11 a document
17 FA-MDNC-00356403 to FA-MDNC-00356421.

18 (ALG Exhibit 11 was marked for
19 identification.)

20 BY MR. ROSENTHAL:

21 Q. Just let me know when you're ready to
22 proceed. My question to you will be have you ever

1 seen this document before?

2 (Witness reviewing document.)

3 A. It appears to be the original Task
4 proposal, although there appears to be a lot more
5 to it.

6 Q. Are you finished?

7 A. Uh-huh.

8 Q. My question's whether you've ever seen it
9 before?

10 A. I haven't.

11 Q. Do you know one way or the other whether
12 the information contained in what's been marked as
13 ALG 11 was used to prepare the Sudan proposal?

14 A. Well, without doing a comparison I can't
15 tell you that they're the same document. They
16 appear to be the same document.

17 Q. Okay. But you have no information one way
18 or the other how, if at all, it was used to prepare
19 the ALG Sudan proposal?

20 A. No.

21 Q. In the period between the transmittal of
22 the Sudan proposal and January of 2018 are you

1 aware of any harm that came to ALG from the
2 disclosure of the proposal?

3 THE WITNESS: Can I answer?

4 MR. BEHRE: Uh-huh.

5 BY THE WITNESS:

6 A. Prior to 2018?

7 Q. Correct.

8 A. Not prior to 2018.

9 Q. In 2018 what value did the Sudan proposal
10 have to ALG?

11 A. It was our confidential work product.

12 Q. I'm asking you about value. Was it worth
13 anything?

14 MR. BEHRE: Objection, foundation, vague,
15 calls for speculation.

16 MR. ROSENTHAL: You can answer.

17 A. It has pricing information in it.

18 Q. Did that pricing information have any
19 monetary value to ALG?

20 MR. BEHRE: Objection, no foundation,
21 vague as to "monetary value."

22 A. Did it have any value to ALG?

1 Q. Any monetary value.

2 A. I don't know how you value the paper.

3 Q. Are you aware of anyone who would have
4 paid ALG for that information?

5 A. That proposal could have been made to any
6 number of people.

7 Q. Are you aware -- let me -- let me be more
8 precise. Are you aware in 2018 or after whether
9 anyone would have been willing to pay ALG for that
10 pricing information?

11 A. ALG wasn't in the business of selling its
12 work product to others.

13 Q. Not my question. Are you aware of anyone
14 who would have paid anything for that information?

15 A. I'm not aware of anyone.

16 Q. If I wanted to monetize that information,
17 how would I do that?

18 MR. BEHRE: Objection, vague, ambiguous
19 with regard to "monetize."

20 A. I don't know how you would do it.

21 Q. How would you do it?

22 A. I would do it based upon the pricing of

1 the proposal.

2 Q. My question to you is if I wanted to
3 determine what the value of that information was,
4 how would I go about that exercise?

5 A. Well --

6 MR. BEHRE: Objection, vague, ambiguous as
7 to the term "value."

8 THE WITNESS: A proposal of that magnitude
9 has a number of elements, what is the pricing in
10 the proposal itself and then what are the follow-on
11 pieces that you could develop if the proposal was
12 successful, and one of the most significant
13 follow-ons was leasing.

14 Q. What happened to the proposal?

15 A. I don't know.

16 Q. Did South Sudan proceed, to your
17 knowledge?

18 A. I don't know.

19 Q. Has ALG attempted at any time after
20 January of 2018 to proceed with a proposal
21 involving South Sudan?

22 A. Not that I know of.

1 Q. Is that viable today?

2 A. Pardon me?

3 Q. Is the proposal viable today with respect
4 to South Sudan?

5 MR. BEHRE: Objection, vague, ambiguous,
6 lacks foundation.

7 A. Is the proposal to South Sudan viable? I
8 don't know.

9 Q. Viable.

10 A. I don't know if it's viable.

11 Q. Are you aware of the political climate in
12 South Sudan?

13 MR. BEHRE: Objection, relevance.

14 MR. ROSENTHAL: Yes?

15 A. I am.

16 Q. And are you aware of the political
17 environment in 2018 through the present?

18 MR. BEHRE: Calls for speculation, but you
19 can answer.

20 A. I'm not -- I'm not aware.

21 Q. Okay. How would the political situation
22 that you are aware of have impacted the viability

1 of the proposal?

2 MR. BEHRE: Objection, calls for
3 speculation, vague, ambiguous terms.

4 A. Well, the proposal was in 2011.

5 Q. And I'm asking you about the period from
6 2018 to the present. To the extent you have an
7 understanding of the political situation, how would
8 that impact the viability of the proposal?

9 A. It could have had an impact on the
10 proposal.

11 Q. A negative impact that is, right?

12 A. Yes.

13 Q. Okay. And that's because South Sudan's
14 been in turmoil?

15 A. It has.

16 Q. And revolution?

17 MR. BEHRE: Objection, vague, ambiguous as
18 to "turmoil," "revolution," and any other terms.

19 MR. ROSENTHAL: Is that correct?

20 A. That's correct.

21 Q. Okay.

22 If South Sudan picked up the phone and

1 called you and said we want to proceed, would you
2 give them the same pricing?

3 A. I don't know.

4 Q. Would you have given them the same pricing
5 in 2018?

6 MR. BEHRE: Objection, calls for
7 speculation, lack of foundation.

8 A. It's doubtful.

9 Q. Why is that?

10 A. We would have factored in the risk.

11 Q. And so the pricing would have been higher?

12 A. Probably.

13 Q. A lot higher?

14 A. Probably.

15 MR. BEHRE: Objection, calls for
16 speculation. You have to slow down.

17 Q. Has -- has any --

18 MR. BEHRE: Before you answer you need to
19 just pause so I can interpose my objection. Okay?

20 THE WITNESS: Okay.

21 BY MR. ROSENTHAL:

22 Q. Has anyone else, to your knowledge,

1 attempted to start up an airline or a cargo
2 operation in South Sudan after 2011?

3 MR. BEHRE: Objection, relevance. If you
4 know.

5 A. I'm not aware of it.

6 MR. ROSENTHAL: Are we getting close to
7 your break time? No?

8 THE REPORTER: No.

9 MR. ROSENTHAL: Okay.

10 BY MR. ROSENTHAL:

11 Q. Focusing on the South Sudan proposal, are
12 you aware of any way in which ALG has been harmed
13 by the disclosure of that proposal on We Transfer
14 in 2018 or 2019?

15 MR. BEHRE: You can answer.

16 A. I believe ALG's been substantially harmed.

17 Q. And I'm asking you specifically about the
18 South Sudan proposal.

19 A. I believe ALG has been substantially
20 harmed by the publication of that information.

21 Q. Okay. And tell me how.

22 A. It's our work product.